

COUNTY OF SAN DIEGO
Department of Planning and Land Use

Subject:

**THRESHOLDS FOR DETERMINING WHEN
NON-HABITABLE SPACE QUALIFIES AS
HABITABLE SPACE**

**Policy
Number**

MP-8

**Effective
Date**

**Effective: August
6, 2007**

Page

1 of 3

PURPOSE

To establish criteria for determining when proposed non-habitable space shown on building plans, will be reviewed as possible illegal dwelling unit, and potentially permitted as habitable space.

BACKGROUND

Section 1100 of the Zoning Ordinance defines a habitable space as an area in a structure for living (which includes leisure activities), sleeping, eating or cooking. Occasionally, plans and applications for accessory structures are proposed as "non-habitable space," but include some of the areas or uses listed above. Although the applicant may not intend to convert such space into a habitable area, future owners may not understand the difference, thus causing a potential illegal build out. Therefore, a policy is needed to help applicants and plan checkers define when non-habitable space on building plans will be reviewed as habitable space.

POLICY

When building plans for non-habitable structures are proposed, they will be reviewed under this policy. An application for non-habitable space that exceeds the requirements listed below shall be considered habitable space and therefore plan checked and assessed fees accordingly. Further, it is the policy of the Department of Planning and Land Use to not approve plans that might result in additional illegal dwelling units.

- A) Accessory Structures both detached and attached (e.g. garage, pool house, enclosed patio, carport, storage building, workshop, or hobby shop) that include any one of the following shall be reviewed as habitable space.
- a. Floor plan indicates more than three separate rooms.
 - b. The area is designed for use as a guest living quarter, recreation room, sunroom, or other possible living area.
 - c. Proposes a separate electric service drop or electric meter (unless allowed pursuant to DPLU policy TE-230-1).
 - d. Sliding Glass, French or other similar doors.
 - e. Full bathroom (water-closet, washbasin, and shower/tub). In no case shall the bathroom exceed 4.5' X 4.5' in combined floor area.
 - f. Stubbing out of plumbing and/or sewer.
 - g. A fireplace, wood burning, gas, or pellet stove (except for open patio and pool house)
 - h. Heating and/or air-conditioning
 - i. Attached covered porches (including but not limited to decks) or patios
 - j. Any second story area within the accessory structure, regardless whether the first floor qualifies as non-habitable space, shall be considered as habitable space, with the exception of "Attic

COUNTY OF SAN DIEGO
Department of Planning and Land Use

Subject: THRESHOLDS FOR DETERMINING WHEN NON-HABITABLE SPACE QUALIFIES AS HABITABLE SPACE	Policy Number	Effective Date	Page
	MP-8	Effective: August 6, 2007	2 of 3

space" (See item E below).

- k. With the exception of an attached garage, the area proposes direct access into the main residence.
 - l. A pool house, art or music studio, or recreation room (such areas are considered R-3 habitable space under the California Building Code).
- B) Agricultural Buildings (e.g. barn, horse stall, storage building for agricultural products and/or farm equipment or buildings/structures for the shelter of livestock). NOTE: A garden is a hobby and does not qualify as an agricultural use. Such structures may be considered habitable space under the following conditions:
- a. Does not comply with Section A.
 - b. Structure is used by the public (this may also require further Zoning review)
 - c. Garage type doors such as top-hung, roll-up, side-hung or roller type (sliding) doors or double doors that do not appear A-typical agricultural style. In such cases, the barn shall be reviewed as a garage.
- C) Crawlspaces, as used in this policy, are unfinished accessible space located below the first floor that is non-excavated, natural grade, with no slab; normally enclosed by the foundation wall. The purpose is to provide sufficient access to otherwise concealed ductwork, piping, or wiring. Crawlspaces shall be reviewed as habitable space under the following conditions:
- a. Does not comply with Section A.
 - b. Exceeds 5'-6" in height.
 - c. Electrical outlets (except a single light fixture and switch or as required for special equipment such as an FAU).
 - d. A height of more than 5'-6" on a flat surface (>5'-6" in height is considered a story/basement; except on building areas that contain significant slope).
 - e. Drywall or floor systems including concrete slab
- D) Basement includes that area below the first floor and have a height of more than 6 feet for more than 50 percent of the total perimeter or is more than 12 feet at any point. This area shall be reviewed as habitable space under the following conditions:
- a. Does not comply with Section A.
 - b. Finished walls.
- E) Attic Space: Attic space is considered that area between the upper surface of the ceiling joists of the highest story, and the bottom surface of the roof joists (soffit). These areas shall be reviewed as

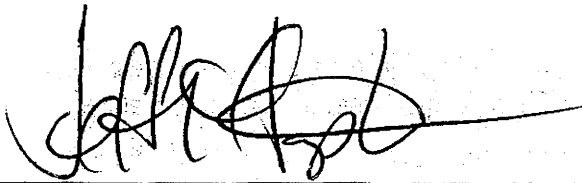
COUNTY OF SAN DIEGO
Department of Planning and Land Use

Subject: THRESHOLDS FOR DETERMINING WHEN NON-HABITABLE SPACE QUALIFIES AS HABITABLE SPACE	Policy Number	Effective Date	Page
	MP-8	Effective: August 6, 2007	3 of 3

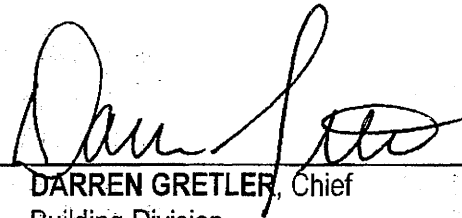
habitable space under the following conditions:

- a. Does not comply with Section A
- b. Full stair access (pull down staircase is acceptable)
- c. Windows (faux dormers are acceptable so long as the roof is constructed and the dormer is non-operable and later added as an architectural feature)
- d. Finished walls and/or floor area (attic walkways no more than 3' in width are acceptable)
- e. Electrical outlets (except a single light fixture and switch)

* * * * *



JEFF MURPHY, Acting Deputy Director
Planning Division



DARREN GRETHER, Chief
Building Division